

CABINET MEMBER FOR ECONOMIC DEVELOPMENT, PLANNING AND TRANSPORTATION

**Venue: Room 1, 3rd Floor,
Bailey House,
Rawmarsh Road,
ROTHERHAM. S60 1TD**

Date: Thursday, 29th April, 2010

Time: 2.00 p.m.

Please note the date, venue and start time for this meeting.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) to the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Rotherham Economic Regeneration Fund (RERF) - Rotherham Open Arts Renaissance (ROAR). (report attached) (Pages 1 - 3)
Greg Lindley, Partnership Implementation Officer/Simeon Leach, Economic Strategy Manager, to report.
 - to seek approval of allocation of £7,892 RERF revenue funding to support the activity being planned in the atrium space at the Imperial Building by new businesses supported by ROAR.
4. Proposed Adoption of public call box in Firbeck by Firbeck Parish Council. (report attached) (Pages 4 - 22)
Lisa Taylor, Technical Assistant, to report.
 - to consider a request to adopt a public call box situated at New Road, Firbeck.
5. **EXCLUSION OF THE PRESS AND PUBLIC**
The following item is likely to be considered in the absence of the press and public as being exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to the financial or business affairs of any particular individual (including the Council)):-
6. Town Centre Vitality Business Grants. (report attached) (Pages 23 - 26)
Bernadette Rushton, Assistant Town Centre Manager, to report.
 - to consider the grant application.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Economic Development, Planning & Transportation
2.	Date:	Urgent Business Powers April 2010
3.	Title:	RERF - ROAR Display heating Imperial Building
4.	Programme Area:	Environment and Development Services

5. Summary

This report seeks approval of allocation of £7,892 RERF revenue funding to support the activity being planned in the atrium space at the Imperial Building by new businesses supported by ROAR.

6. Recommendations

That £7,892 of RERF revenue is approved to fund the provision of space heating in Imperial Building.

7. Proposals and Details

ROAR (Rotherham Open Arts Renaissance) have a specific focus on developing and supporting the arts and in particular have developed a number of outlets for arts based retail in the town centre. ROAR is aware that in order to support arts based retailers it is important to recognize and address the barriers that may exist.

The occupancy of five internal units at Imperial building (Central Rotherham) is a positive step forward. However, the units are located around a central internal arcade that has enormous potential for increasing and improving the offer, but is significantly under used due to practical issues, and in particular, the lack of heating.

This proposal is to improve the central arcade space in the Imperial Building by adding heating. This will not only allow, but make practical, the current unit holders intent and desire to offer workshops and activities in that space. The initial business plan included the use and hire of the atrium space as a revenue stream for ROAR as well as the marketing opportunity it lends itself to. The atrium space was conceived as an exhibition space/venue to compliment and add to the unique creative offer made by the artists in occupation of the units. This is fundamentally impossible if the space is not adequately heated as no works of art can be successfully mounted and shown in a space with no temperature control. The whole concept of the artists' retail space was that of a 'mini arts hub' where creative individuals would come together to meet, debate, inspire, share best practice and sell their ideas and their work. The building is stunning in itself and artists want to make best use of the space available. Exhibitions, workshops, activities, conferences, poetry readings, independent film nights, talks, business meetings, network meetings, a place to meet, etc is only made possible if the space is heated.

ROAR's business model covers the cost of running the heaters. It is important that the heaters are extremely cost effective to run for economic and environmental reasons. Each heater has its own switch and the electricity use of the atrium heaters is separately metered. The cost of which will be covered and managed by ROAR.

Iliad (the building developers) have agreed to the installation of this new heating.

The aim of the project is:-

- To increase the quality and diversity of the arts retail offer
- To improve the retail units space in Imperial Building – both its extended hours and its type of public arts use
- To provide assistance to both new and existing arts businesses.
- To support the wider Renaissance agenda.
- To strengthen the quality of the street café culture

The Rotherham Economic Regeneration Fund (R.E.R.F) will be used to install the heating for the central arcade space within the Imperial Building.

This will be used by arts businesses to stage events that can attract the public to the space. ROAR will support an extensive and targeted marketing campaign to promote the full scheme.

The project has been scored by the Economic Strategy Team and meets the gateway criteria for receiving RERF funding

8. Finance

Funding	Status of funding. Approved/ Awaiting Approval	2009/2010	2010/2011	2011/2012	Total
RERF					
Capital		-		-	-
Revenue		-	7,892		7,892
TOTAL RERF		-	7,892	-	7,892
Other Funding Sources					
					-
					-
TOTAL OTHER FUNDING		-	-	-	-
Grand Total		-	7,892	-	7,892

There is currently £180,999 of revenue money available under the RERF programme, including the provisional £100,000 allocation for 2010/11. This is sufficient to fund this project.

9. Risks and Uncertainties

There are the usual risks associated with construction work. This will be mitigated against through employment of professional heating engineers. Iliad have agreed to the works.

10. Policy and Performance Agenda Implications

The project will contribute to the following priorities of the Rotherham Community Strategy:-

- Revitalise the Town Centre
- Promote business start ups, growth and inward investment

11. Background Papers and Consultation

Consultation has been undertaken with the local traders and Town Centre Strategy Group. All have expressed support for the proposal.

RMBC Finance have been consulted on the project

A copy of the full RERF application form for this project is available on request.

Contact Name:

Simeon Leach, Economic Strategy Manager, Economic Strategy Team Ext 3828
Email simeon.leach@rotherham.gov.uk

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Urgent Business Powers Planning and Regeneration Delegated Powers
2.	Date:	29 April 2010
3.	Title:	Proposed Adoption of Public Call Box in Firbeck by Firbeck Parish Council
4.	Directorate:	EDS, Planning and Regeneration

5. Summary

5.1 A request to adopt a public call box (01709) 812380 situated on New Road, Firbeck S81 8JT has been received from Firbeck Parish Council.

6. Recommendations

6.1 That the Cabinet Member notes the contents of this report.

6.2 That the Cabinet Member agrees to the adoption of public call box (01709 812380) and the removal of the telephony services situated on New Road Firbeck, by Firbeck Parish Council

7. Proposals and Details

7.1 British Telecommunications plc is undertaking a national programme to remove financially unviable public call boxes. However, public opinion has led to a change in policy and BT now offer two schemes where the public call box remains in situ for heritage purposes. There is also the sponsorship option where a body contributes to the running costs of the kiosk on an annual basis or adoption of the kiosk where the kiosk remains in situ but the telephony service is removed. Under the adoption scheme, ownership and legal liabilities transfer to the adopting body.

7.2 Rotherham Borough has been involved in two previous rounds of consultation. BT is offering sponsorship and adoption of kiosks on their website so this is an open ended process and bodies may apply at any time.

7.3 Procedures set out by Ofcom, under the Telecommunications Act 2003, require the Council to organise consultations with local communities about the proposed removals. The consultation procedure will culminate in the Council publishing a Final Notification of the outcome of consultations detailing reasons for support or objection to BT's proposals. The Final Notification is to be sent to BT and the Secretary of State for Business, Enterprise and Regulatory Reform within 90 days. BT cannot proceed to remove any call box that is the subject of objections supported by the Council in the Final Notification - known as the "local veto".

7.4 With due regard to consultation procedures the proposal by Firbeck Parish Council to adopt the kiosk at New Road, Firbeck has been advertised on the Council's web site and circulated to the relevant councillors, emergency services and Rother Valley South area assembly. The Police Inspector for Firbeck has no objections to the proposal.

7.5 One objection has been received from a member of the public. His concerns are that mobile phone coverage is unreliable and that the countryside is well used by walkers and visitors. With this in mind he would like the parish council to sponsor the kiosk and retain the telephony service for emergency use.

7.6 Firbeck Parish Council has been approached regarding this specific objection. However given the costs involved in sponsoring the kiosk and the telephony services, the current low usage of the kiosk - in twelve months to August 2009, 24 calls had been made from the kiosk in Firbeck village; the availability of a payphone within the village pub that is open at lunchtimes and evenings and the general support of the Parish Council following discussions on three occasions to adopt the kiosk and to support the removal of the telephony services, sponsorship is not considered to be a viable option for Firbeck Parish Council.

7.7 The deadline for comments was 14th April and no further representations have been received.

7.8 In the light of this discussion with a representative of the Parish Council, and that no further objections have been received it is considered that Rotherham Metropolitan Borough Council support Firbeck Parish Council to adopt the kiosk at New Road, Firbeck.

8. Finance

8.1 This proposal has no direct financial implications the Council. It is the Council's role to coordinate consultation in line with statutory regulations.

9. Risks and Uncertainties

9.1 There are issues where residents have less access to mobile phones and land line connections. Mobile coverage in rural areas is not always reliable. Limited access to call boxes for emergency purposes could jeopardise a timely response to an emergency situation.

10. Policy and Performance Agenda Implications

10.1 There are no policy and performance implications but the Council's involvement in safeguarding local public service facilities is an essential part of its wider customer service quality and local governance responsibilities.

11. Background Papers and Consultation

11.1 A copy of the first notification schedule is attached. Also attached is the guidance on procedures for the removal of public call boxes (Ofcom, updated April 2008)

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Notification under section 49(4) of the Communications Act 2003

Draft decision by Rotherham MBC in response to a proposal by British Telecommunications plc who have invited Parish Councils to "Adopt a Kiosk"; this involves removal of telephony service and transfers ownership of the kiosk to the Parish Council pursuant to Part 2 of the schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

1. Rotherham MBC, in accordance with Section 49(4) of the Communications Act 2003 ('the Act'), hereby make the following draft decision in response to a proposal by British Telecommunications plc for the removal of telephony service pursuant to Part 2 of the Direction.
2. The draft decision is set out in the Schedule to this Notification.
3. The effect of, and Rotherham MBC reason for making, the draft decision is set out in the Schedule to this Notification.
4. Rotherham MBC consider that the draft decision complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to the proposal.
5. In making the draft decision, Rotherham MBC has considered and acted in accordance with the six community requirements in section 4 of the Act.
6. Representations may be made to Rotherham MBC about the draft decision by **Wednesday 14th April, 2010**.
7. A copy of this notification has been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
8. The Schedule to this notification shall form part of this Notification.

Paul Woodcock, Director of Planning & Regeneration, Environment and Development Services, Rotherham MBC, 2nd Floor, Bailey House, Rawmarsh Road, Rotherham, S60 1TD
17th March 2010

ROTHERHAM METROPOLITAN BOROUGH COUNCIL Notification under section 49 of the Communications Act 2003						
Draft decision by Rotherham MBC in response to a proposal by British Telecommunications plc for the removal of telephony services pursuant to Part 2 of the schedule to a Direction published by Ofcom on 14 March 2006 ('the direction')						
British Telecommunications plc has invited Parish Councils to "Adopt a Kiosk"; this involves removal of the telephony service and transfers ownership of the kiosk to the relevant Parish Council						
No.	Pay Phone No	Listed Status	Location	Postcode	Draft Decision Object / Consent	Reasons
1	01709812380	No	Pco New Road, Firbeck, Worksop	S81 8JT	Consent	Firbeck Parish Council seeks to adopt this phone kiosk, having the telephony equipment removed and retaining the kiosk for heritage purposes. The Local Authority is seeking the public and relevant stakeholders views on this issue. The Council will consider any objections received prior to making its final decision.

Guidance on procedures for the removal of public call boxes

1. Introduction and overview

1.1 Ofcom published on 14 March 2006 a Direction setting out:

- Procedures for the complete removal of Public Call Boxes (PCBs) and Call Box Services (CBS) from a Site¹;
- Procedures for requests for new PCBs and related CBS; and
- A requirement that at least 70% of PCBs offer cash payment facilities.

1.2 This guidance is intended to promote consistency of decisions between Relevant Public Bodies². It also provides examples of circumstances in which the Universal Service Provider (currently BT plc and, in the Hull area, Kingston Communications) might reasonably remove the cash payment facility from a PCB.

2. Status of this guidance

2.1 Compliance with this guidance does not guarantee compliance with any legal requirement.

2.2 Except insofar as the context otherwise requires, words or expressions shall have the same meaning they have in the Direction.

3. Overview

3.1 The following diagram shows the various stages in the procedures for the complete removal of PCBs and/or CBS from a Site. Each stage is described in more detail in this guidance

¹ Site means any area within a walking distance of 400 metres from that PCB

² Relevant Public Body² means: in relation to England, the relevant local District Council (in two-tier local authority areas), London Borough Council, Metropolitan Council, Unitary Council, the Corporation of London or the Council of the Isles of Scilly; in relation to Northern Ireland, the Unitary District; in relation to Scotland, the Unitary Council; in relation to Wales, the County or County Borough Council; or any successor bodies or organisations.

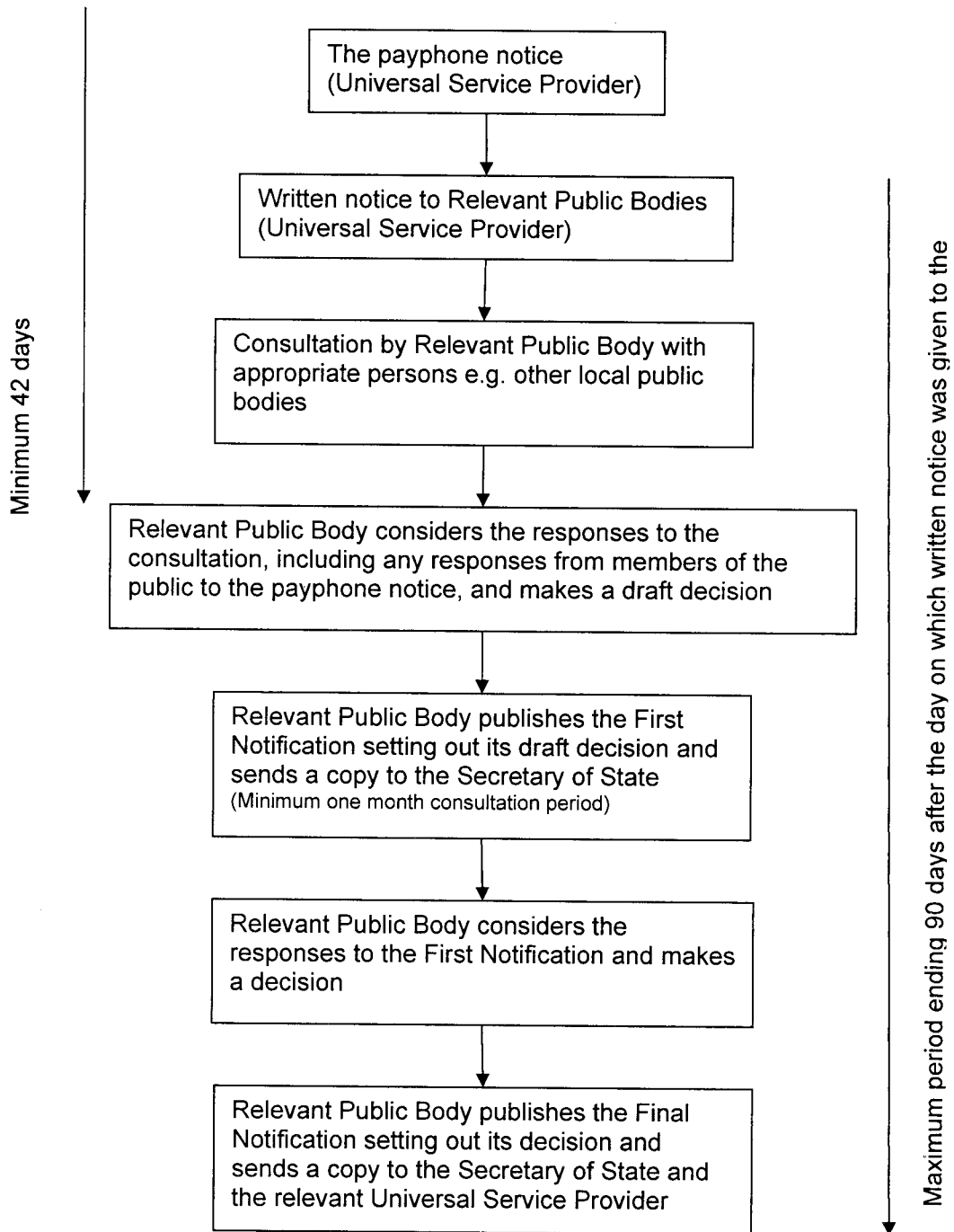


Diagram: Procedure for the complete removal of Public Call Boxes from a Site

4. The payphone notice

4.1 Under paragraph 2.2 of the Direction, the Universal Service Provider must display a notice in a prominent place on the PCB which it proposes to remove or re-site and/or to which it intends to cease to provide CBS ('the payphone notice') informing the public of the proposed change and setting out :

- The nature and effect of the proposal;
- The period within which members of the public may make representations about the proposal, which shall be 42 days after the day on which the notice is first displayed;
- A free-call telephone number which can be used by the public to check the location of the nearest alternative PCB providing CBS; and
- The Relevant Public Body to whom representations may be made about the proposal.

5. Written notice to relevant public bodies

5.1 Under paragraph 2.3 of the Direction, the Universal Service Provider must also give written notice of its proposed removal or re-siting of a PCB and/or the cessation of the provision of CBS to the Relevant Public Body ('the written notice') setting out:

- The nature and effect of the proposal;
- Any information in support of the proposal;
- The date on which the payphone notice was first displayed on the PCB (and provide a copy);
- A web link to Ofcom's guidance on procedures for the complete removal of PCBs and/or CBS from a site; and
- That objection may be made to the Universal Service Provider by the Relevant Public Body.

6. Consultation

6.1 The Relevant Public Body should bring the contents of the payphone and written notice to the attention of such persons as it considers appropriate, asking for comments on the proposal to be made to the Relevant Public Body within a stipulated period.

6.2 Such persons might include other local public bodies, for example the parish or community council. In Northern Ireland, the Relevant Public Body should also consider which local community groups, if any, to consult with.

6.3 It is likely that Relevant Public Bodies will already have in place various consultation mechanisms and procedures which allow local issues to be discussed with local communities, for example local strategic partnerships and neighbourhood-based systems of local meetings.

7. Responses to consultation

7.1 The Relevant Public Body should consider the responses to the consultation, if any, received within the stipulated period, and including responses from members of the public received by them within the 42 days period after the payphone notice was first displayed on the PCB.

7.2 In deciding whether to consent or object to the proposal, the Relevant Public Body must be satisfied that its decision is:

- Objectively justifiable in relation to the networks, services, facilities, apparatus or directories to which it relates;
- Not such as to discriminate unduly against particular persons or against a particular description of persons;
- Proportionate to what it is intended to achieve; and
- In relation to what it is intended to achieve, transparent.

7.3 The Relevant Public Body must also be satisfied that it acted in accordance with the six Community requirements set out in section 4 of the Communications Act 2003 ('the Act'). These are:

- To promote competition in the provision of electronic communications networks and services, associated services and facilities and the supply of directories;
- To contribute to the development of the European internal market;
- To promote the interests of all persons who are citizens of the European Union;
- Not to favour one form of, or means of, providing electronic communications networks or services i.e. to be technology neutral;
- To encourage network access and service interoperability for the purpose of securing competition in the electronic communication networks and services markets and the maximum benefit for customers of communications providers; and
- To encourage compliance with standards necessary for facilitating service interoperability and securing freedom of choice for the customers of communications providers.

7.4 Where it appears to a Relevant Public Body that any of the Community requirements conflict with each other they must secure that the conflict is resolved in a manner they think best in the circumstances.

7.5 To assist Relevant Public Bodies to consider the responses, and to make a decision to consent or object to the proposal, Ofcom has included at Annex 1 in this guidance factors which it considers relevant to the decision. Relevant Public Bodies should refer to these factors.

8. First notification

8.1 Having considered the responses to the consultation, if any, the Relevant Public Body must publish its draft decision in the form of a notification ('the First Notification'). To assist Relevant Public Bodies, Ofcom has included in this guidance at Annex 2 a specimen notification. The First Notification must:

- State that there is a proposal for the complete removal of PCBs and/or CBS from a Site;
- Identify the Universal Service Provider whose proposal it is;
- Set out the draft decision to consent or object to the proposal;
- Set out the effect of the draft decision to consent or object to the proposal;
- Give reasons for the draft decision to consent or object to the proposal;
- Specify the period within which representations may be made about the proposal to the Relevant Public Body;
- Confirm that the draft decision complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to the proposal;
- Confirm that in making the draft decision, the Relevant Public Body have considered and acted in accordance with the six Community requirements in section 4 of the Act;
- Confirm that a copy of the First Notification has been sent to the Secretary of State.

8.2 Except in exceptional circumstances justifying the use of a shorter period, the period mentioned in paragraph 8.1 for representations must be one ending not less than one month after the day of the publication of the First Notification.

8.3 The publication of the First Notification must be in such a manner as appears to the Relevant Public Body to be appropriate for bringing the contents of the notification to the attention of such persons as it considers appropriate.

8.4 Such persons might include other local public bodies, for example, the parish or community council. In Northern Ireland, it might include local community groups. Ofcom would expect the Relevant Public Body to send a copy of the First Notification to the relevant Universal Service Provider.

8.5 The Relevant Public Body must also send a copy of the First Notification to the Secretary of State. Ofcom has included in this guidance a specimen letter for this purpose.

8.6 Under section 50(6) of the Act the Relevant Public Body may if appropriate also send a copy of the First Notification to the European Commission. Ofcom does not believe there will normally be a need to notify the Commission in the case of proposed PCB removals.

9. Final Notification

9.1 The Relevant Public Body may consent or object to a proposal only if it has considered every representation about the proposal that is made to it within the period specified in the First Notification and has had regard to every international obligation of the UK (if any) which has been notified to Ofcom for the purposes of this requirement (none to date).

9.2 Having considered the responses to the First Notification, if any, the Relevant Public Body must publish its decision in the form of a notification ('the Final Notification'). To assist Relevant Public Bodies, Ofcom has included at Annex C in this guidance a specimen notification. The Final Notification must:

- State that there is a proposal for the complete removal of PCBs and/or CBS from a Site;
- Identify the Universal Service Provider whose proposal it is;
- Set out the decision to consent or object to the proposal;
- Set out the effect of the decision to consent or object to the proposal;
- Give reasons for the decision to consent or object to the proposal;
- Confirm that the decision complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to the proposal;
- Confirm that in making the decision set out in the Final Notification, the Relevant Public Body have considered and acted in accordance with the six Community requirements in section 4 of the Act;
- Confirm that a copy of the First Notification was sent to the Secretary of State; and
- Confirm that a copy of the Final Notification has been sent to the Secretary of State.

9.3 The publication of the Final Notification must be in such a manner as appears to the Relevant Public Body to be appropriate for bringing the contents of the notification to the attention of such persons as it considers appropriate.

9.4 Such persons might include other local public bodies, for example the parish or community council. In Northern Ireland, it might include local community groups.

9.5 The Relevant Public Body must send a copy of the Final Notification to the relevant Universal Service Provider.

9.6 The Relevant Public Body must also send a copy of the Final Notification to the Secretary of State. Ofcom has included in this guidance a specimen letter for this purpose.

9.7 Under section 50(6) of the Act the Relevant Public Body may if appropriate also send a copy of the Final Notification to the European Commission. Ofcom does not believe there will normally be a need to notify the Commission in the case of proposed PCB removals.

10. The local veto

10.1 The Universal Service Provider must not bring its proposal into effect if it has received any written objection to the proposal by the Relevant Public Body within the period ending 90 days after the day on which written notice was given by the Universal Service Provider to the Relevant Public Body ('the local veto'). It is for this reason that the Relevant Public Body must send a copy of the Final Notification to the relevant Universal Service Provider – see paragraph 9.5 above.

Annex 1

Relevant factors

Purpose

A.1 It is the Universal Service Provider's obligation to ensure the adequate provision of PCBs and/or CBS to meet the reasonable needs of end-users in terms of numbers, geographical coverage and quality of services. It is against this obligation that a Relevant Public Body must assess a proposal for the complete removal of PCBs and/or CBS from a Site.

A.2 This is intended to give guidance on the factors to take account of when considering a proposal for the complete removal of PCBs and/or CBS from a Site. It is intended also to promote consistency of decisions between Relevant Public Bodies. Relevant Public Bodies may consider other factors such as the proximity of the nearest alternative PCB, the nature of the area (for example, a tourist area or close to a children's home or similar accommodation) or, in the case of text phones, use by deaf users. However, any decision of a Relevant Public Body must comply with the requirements in paragraphs 7.2 and 7.3 of this guidance.

A.3 It is likely that Relevant Public Bodies will already have access to information against which they can make an assessment. While the following is not an exhaustive list of sources of information, Relevant Public Bodies might consider:

- ACORN is a demographic tool used to identify and understand the UK population – www.caci.co.uk;
- PRiZM is a commercial product built from lifestyle and demographic data at postcode level - www.claritas.co.uk;
- The National Statistics Service offers access to a range of social and economic aggregate data relating to small geographic areas - www.neighbourhood.statistics.gov.uk ; and
- UpMyStreet let you search and compare detailed information about a specific postcode, city, town, district or region – www.upmystreet.com

Factors

A.4 Set out below are some (not exhaustive) important factors which might be assessed when considering a proposal for the complete removal of PCBs and/or CBS from a Site.

Housing type in the area

A.5 A Relevant Public Body may consider whether the area within the same postcode as a PCB is predominately owner-occupied, privately rented or council housing. The more owner-occupied housing in the area the more likely it is that people living in that area would have access to mobile and fixed telephones. If there is predominantly private rented or council housing in the area, this may suggest

people on a lower income without access to mobile and fixed telephones and support the view that a PCB should be retained.

Number of households in the area

A.6 There may be concerns about alternative access to telephone services for low population densities. A Relevant Public Body may determine the number of households within the same postcode as a PCB. The number of households within 400 metres of a PCB could be seen as the catchment area for that PCB.

A.7 The number of households in the area would not however include any passing traffic or reflect that a PCB might be situated on a main road or busy terminus. Such detail should be assessed on a case-by-case basis.

PCB revenue

A.8 BT and Kingston may be willing to provide information about the revenue generated by a particular PCB. This should help measure PCB usage and could be an indicator of its value to the community. The lower the annual revenue that a PCB generates, there could be grounds for its removal.

A.9 Consideration may be given by a Relevant Public Body to the other factors listed above before it relies on annual revenue alone to support a decision to consent or object to the complete removal of PCBs and/or CBS from a Site. The annual revenue of a PCB should be assessed on a case-by-case basis.

Emergency calls

A.10 Many people place great value on having the option to use a PCB in an 'emergency'. However, not all calls considered as emergency calls by the public are calls to the emergency services, for example police, fire, ambulance and coastguard services. For example, people often cite calls to roadside breakdown as being emergency calls.

A.11 The importance of retaining a PCB for 'emergency calls' should be assessed on a case-by-case basis. The body needs to think about whether a particular PCB is more likely to be used for emergency calls than another. For example if there are alternative means of making calls available locally and/or there is good coverage for mobile phones, this may suggest that there is a reduced need to retain the phone box on emergency grounds. But if, for example, the call box is near a known accident black-spot, it may suggest it should be retained.

Mobile phone coverage

A.12 While three-quarters of adults now personally use a mobile phone, people often cite poor, sporadic or the lack of mobile network coverage at a location as being an important factor for retaining a PCB.

A.13 The main mobile networks, including 3, O2, Orange, T-Mobile and Vodafone allow you to check the network coverage in any given postcode area on their websites. While this might not be conclusive, it should help to assess network coverage within the same postcode as a PCB.

Annex 2

First Notification: example templates

Notification under section 49(4) of the Communications Act 2003

Draft decision by [public body] in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

1. [Public body], in accordance with section 49(4) of the Communications Act 2003 ('the Act'), hereby make the following draft decision in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Direction.
2. The draft decision is set out in the Schedule to this Notification.
3. The effect of, and [public body] reasons for making, the draft decision is set out in the Schedule to this Notification.
4. [Public body] consider that the draft decision complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to the proposal.
5. In making the draft decision, [public body] has considered and acted in accordance with the six community requirements in section 4 of the Act.
6. Representations may be made to [public body] about the draft decision by [time] on [date].
7. A copy of this Notification has been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
8. The Schedule to this Notification shall form part of this Notification.

[Name]

A person authorised by [public body] to sign this Notification

[Date]

Schedule

[Draft] decision by [public body] in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

	Telephone number	Location	Decision (Object/Consent)	Reason(s)
1				
2				
3				
4				

Letter to the Secretary of State – First Notification

Telecoms Regulatory Policy UG22

Department for Business, Enterprise and Regulatory Reform

1 Victoria Street

London SW1H 0ET

For the attention of Simon Moseley

Dear Sir

Draft decision by [public body] in response to proposals by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

[Public body], in accordance with section 49(4) of the Communications Act 2003 ('the Act'), hereby make a draft decision in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Direction.

Section 50(1)(b) of the Act requires [public body] to send to the Secretary of State a copy of every notification published under section 49(4) of the Act. A copy of the First Notification is enclosed herewith.

Yours faithfully

Annex 3

Final Notification: example templates

Notification under section 49 of the Communications Act 2003

Decision by [public body] in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

1. On [date], [public body], in accordance with section 49(4) of the Communications Act 2003 ('the Act'), issued a notification setting out its draft decision in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Direction ('the First Notification').
2. A copy of the First Notification was sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
3. In the First Notification, [public body] invited representations about the draft decision by [time] on [date].
4. [Public body] has considered every representation about the draft decision duly made to it and Ofcom has not notified [public body] of any international obligation of the United Kingdom for this purpose.
5. The decision is set out in the Schedule to this Notification.
6. The effect of, and [public body] reasons for making, the decision is set out in the Schedule to this Notification.
7. [Public body] consider that the decision complies with the requirements of sections 45 to 50 of the Act, as appropriate and relevant to the proposals.
8. In making the decision, [public body] has considered and acted in accordance with the six community requirements in section 4 of the Act.
9. A copy of this Notification has been sent to the Secretary of State in accordance with section 50(1)(b) of the Act.
10. The Schedule to this Notification shall form part of this Notification.

Schedule

Decision by [public body] in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

	Telephone number	Location	Decision (Object/Consent)	Reason(s)
1				
2				
3				
4				

Letter to the Secretary of State – Final Notification

Telecoms Regulatory Policy UG22

Department for Business, Enterprise and Regulatory Reform

1 Victoria Street

London SW1H 0ET

For the attention of Simon Moseley

Dear Sir

Decision by [public body] in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Schedule to a Direction published by Ofcom on 14 March 2006 ('the Direction').

[Public body], in accordance with section 49 of the Communications Act 2003 ('the Act'), hereby make a decision in response to a proposal by [British Telecommunications plc/Kingston Communications (Hull) plc] for the removal of public call boxes pursuant to Part 2 of the Direction.

Section 50(1)(b) of the Act requires [public body] to send to the Secretary of State a copy of every notification published under section 49 of the Act. A copy of the Final Notification is enclosed herewith.

Yours faithfully

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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